

House Bill 322

By: Representatives Benfield of the 85<sup>th</sup>, Wilkinson of the 52<sup>nd</sup>, Parham of the 141<sup>st</sup>, Howard of the 121<sup>st</sup>, Henson of the 87<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

To amend Code Section 40-5-24 of the Official Code of Georgia Annotated, relating to instruction permits, graduated licensing and related restrictions, and temporary licenses, so as to prohibit holders of instruction permits and class D licenses from operating a motor vehicle while using a mobile telephone; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 40-5-24 of the Official Code of Georgia Annotated, relating to instruction permits, graduated licensing and related restrictions, and temporary licenses, is amended by striking paragraph (1) of subsection (a) and inserting in lieu thereof the following:

"(a)(1) Any resident of this state who is at least 15 years of age may apply to the department for an instruction permit to operate a noncommercial Class C vehicle. The department shall, after the applicant has successfully passed all parts of the examination referred to in Code Section 40-5-27 other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant, while having such permit in his or her immediate possession, to drive a Class C vehicle upon the public highways for a period of two years ~~when~~ under the following conditions:

(A) The instruction permit holder shall be accompanied by a person at least 21 years of age who is licensed as a driver for a commercial or noncommercial Class C vehicle, who is fit and capable of exercising control over the vehicle, and who is occupying a seat beside the driver; and

(B) The instruction permit holder shall not operate a motor vehicle on the public highways while using any mobile telephone, cellular telephone, or any other wireless telecommunications device."

**SECTION 2.**

Said Code Section 40-5-24 of the Official Code of Georgia Annotated, relating to instruction permits, graduated licensing and related restrictions, and temporary licenses, is further amended by striking paragraph (2) of subsection (b) and inserting in lieu thereof the following:

"(2) The department shall, after all applicable requirements have been met, issue to the applicant a Class D driver's license which shall entitle the applicant, while having such license in his or her immediate possession, to drive a Class C vehicle upon the public highways of this state under the following conditions:

(A) Any Class D license holder shall not drive a Class C motor vehicle on the public roads, streets, or highways of this state between the hours of 12:00 Midnight and 6:00 A.M. eastern standard time or eastern daylight time, whichever is applicable; ~~and~~

(B)(i) Any Class D license holder shall not drive a Class C motor vehicle upon the public roads, streets, or highways of this state when more than three other passengers in the vehicle who are not members of the driver's immediate family are less than 21 years of age.

(ii) During the six-month period immediately following issuance of such license, any Class D license holder shall not drive a Class C motor vehicle upon the public roads, streets, or highways of this state when any other passenger in the vehicle is not a member of the driver's immediate family; and

(C) Any Class D license holder shall not drive a Class C motor vehicle upon the public roads, streets, or highways of this state while using any mobile telephone, cellular telephone, or any other wireless telecommunications device;

provided, however, that a Class D license holder shall not be charged with a violation of this paragraph alone but may be charged with violating this paragraph in addition to any other traffic offense."

**SECTION 3.**

All laws and parts of laws in conflict with this Act are repealed.